

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) No. 4:07CR656-DJS
)
AVERY WEST and KIMBERLY WEST,)
)
 Defendants.)

ORDER

On December 21, 2007, the government filed a motion for pretrial determination of admissibility of arguably suppressible evidence [Doc. #90], and on February 7, 2008, defendants Avery West and Kimberly West filed separate motions to suppress illegally seized evidence [Docs. #111, 122]. On May 28, 2008, the United States Magistrate Judge entered a report and recommendation, recommending that the government's motion be granted and that the defendants' motions be denied, and giving the parties eleven days to file any objections. On June 9, 2008, twelve days after the filing of the report and recommendation, defendant Kimberly West, by and through her retained counsel, filed a motion for an extension of time to file objections to the report and recommendation [Doc. #203]. Although untimely, the Court will consider defendant's motion.

Defendant's counsel states that he was unable to timely file objections to the report and recommendation because he was called out to trial in another matter on June 3, and then had to travel to Chicago for oral arguments on June 6. Defendant seeks an additional forty-five days to prepare a response to the report and recommendation.

The Court is not persuaded that such an extension is warranted, and therefore will deny defendant's motion for additional time to file objections to the report and recommendation. Upon careful consideration of the May 28, 2008, report and recommendation of the United States Magistrate Judge [Doc. #189], and the lack of timely objections thereto,

IT IS HEREBY ORDERED that defendant Kimberly West's motion for an extension of time to file objections to magistrate's report and recommendation [Doc. #203] is denied.

IT IS FURTHER ORDERED that the magistrate judge's May 28, 2008, report and recommendation [Doc. #189] is accepted and adopted.

IT IS FURTHER ORDERED that the government's motion for pretrial determination of admissibility of arguably suppressible evidence [Doc. #90] is granted.

IT IS FURTHER ORDERED that defendant Avery West's motion to suppress illegally seized evidence [Doc. #111] is denied.

IT IS FURTHER ORDERED that defendant Kimberly West's motion to suppress illegally seized evidence [Doc #122] is denied.

Dated this 10th day of June, 2008.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE